

S/N 10/674,960

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Robert Starkston et al.

Examiner: Samuel Heinrich

Serial No.: 10/674,960

Group Art Unit: 3742

Filed: September 30, 2003

Docket No.: 884.949US1

Patent No. 7,772,090

Issued: August 10, 2010

Customer No.: 45457

Confirmation No.: 5313

Title: METHODS FOR LASER SCRIBING WAFERS

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**RENEWED REQUEST FOR RECONSIDERATION OF PATENT TERM  
ADJUSTMENT AND PETITION UNDER 37 C.F.R. § 1.181(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The following is a statement of facts in support of Applicants' renewed request for reconsideration of patent term adjustment and petition under 37 C.F.R. § 1.181(a)(3).

In response to Applicants' Petition under 37 C.F.R. § 1.705(d) filed on October 12, 2010, a decision was mailed by the Office of Petitions granting Applicants' petition in part, and correcting the patent term adjustment indicated on the patent from 1270 days to 1588 days.

The Examiner calculated the additional patent term adjustment as follows:

$$\begin{array}{r} 301 \text{ days of delay under 35 U.S.C. 154(b)(1)(A)} \\ + \\ 284 \text{ days of delay under 35 U.S.C. 154(b)(1)(B)} \\ + \\ 1092 \text{ days successful appeal period under 37 CFR 1.702(e)} \\ - \\ \mathbf{89 \text{ days of Applicant Delay}} \\ = 1588 \text{ total days of patent term adjustment} \end{array}$$

Applicants agree with all of the Examiner's calculations except the 89 days deducted for Applicant Delay. Applicants respectfully submit that the total number of days of Applicant Delay is **61 days**.

Pursuant to 37 C.F.R. § 1.704(c)(10), submission of an amendment under § 1.312 reduces the period of adjustment by:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or

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**AND PETITION UNDER 37 C.F.R. § 1.181(a)(3)**

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other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or (ii) Four months.

In the present case, Applicants submitted an Amendment after Notice of Allowance (Rule 312) on June 21, 2010. A response to Amendment under Rule 312 was mailed on July 13, 2010. The total Applicant Delay for the submission of the amendment under § 1.312 should equal 23 days. However, the U.S. Patent Office calculated the Applicant Delay as being 51 days, the period of adjustment ending on the patent issue date instead of the date entering the amendment under § 1.312.

Applicants respectfully request that the U.S. Patent Office correct the period of Applicant Delay due to submission of the amendment under § 1.312 from 51 days to 23 days and issue a certificate of correction showing that the correct patent term adjustment for the above-referenced patent is **1616 days**.

As set forth above, Applicants' patent term adjustment should be **1616 days**, and Applicants respectfully request notification to that effect.

The Commissioner is invited to contact Applicants' attorney at (612) 349-9592 with any questions concerning this submission. If necessary, please charge any fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date April 20, 2011

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